THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.19065 of 2006

06.12.2006

Between:

Bondu Jagannadham, S/o.Bangaraiah
And others

... Petitioners

AND

The Mandal Revenue Officer, U-Kothapalli Mandal,
East Godavari District
And others

...Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

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ORDER:

The petitioners were granted house site pattas in respect of land admeasuring Acs.0.02 each in survey No.12/3 situated at Uppada village of U-Kothapalli Mandal in East Godavari District by the Mandal Revenue Officer (MRO), U-Kothapalli Mandal, the first respondent herein. They allege that they were also issued possession certificates in May 2005. When they were taking steps for raising houses, they found that some third parties encroached upon the plots assigned to them and, therefore, they approached the first respondent. By urgent notice in Ref. No.(C) 15/06, dated 06.9.2006, the first respondent directed the second respondent to stop illegal constructions in survey No.12. The petitioners allege that the second respondent failed to take any action thereon. Therefore, they seek a writ of Mandamus directing the respondents to remove the encroachments and protect the land assigned to the petitioners.

This matter initially came up before this Court on 15.9.2006. It was adjourned to enable the learned Government Pleader for Revenue (General-A) to get instructions. Today after getting instruction, he submits that when the second respondent made enquiry, the third parties who are in possession and raising constructions produced pattas granted in their favour and, therefore, the MRO has initiated necessary action in the matter. Therefore, the contention that there is inaction on the part of the respondents 1 and 2 is not justified. The petitioners are given liberty to approach the MRO with a copy of this order, who shall conduct enquiry after giving an opportunity to the petitioners. In case it is found that the pattas produced by the third parties are genuine, the first respondent may consider the case of the petitioner for assignment of alternate land if available.

The writ petition, with the above observations, is accordingly disposed of. No costs.

(**V.V.S.RAO, J**)

December 06, 2006.
YS